

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILDEARTH GUARDIANS,

Plaintiff,

vs.

LISA JACKSON, in her official capacity as
Administrator of the Environmental Protection
Agency,
Defendant.

**Case No.: 11-cv-5651-YGR
(and consolidated action 11-cv-5694 YGR)**

**JUDGMENT ON CERTAIN CLAIMS PER FRCP
54(A)**

WHEREAS, Claim Two of Plaintiffs MidWest Environmental Defense Center and Sierra Club's Second Amended Complaint [Dk. No. 30] alleged that Defendant Lisa P. Jackson violated her mandatory duty under 42 U.S.C. § 7476(a) to promulgate prevention of significant deterioration (PSD) regulations for the 2008 ozone National Ambient Air Quality Standard;

WHEREAS, Claim One of Plaintiff WildEarth Guardians' Complaint [Dk. No. 1] contains the same allegations;

WHEREAS, on May 7, 2012 the Court entered an Order Granting Defendant's Motions to Dismiss Mandatory Duty Claims (Dk. No. 40) which dismissed Claim Two of MidWest Environmental Defense Center and Sierra Club's Second Amended Complaint and Claim One of WildEarth Guardians' Complaint;


WHEREAS, the dismissed claims are separate from the claims still pending in the case and resolution of the remaining claims will take some time to reach;

1 WHEREAS the parties have stipulated, and the Court has found, that there is no just
2 reason to delay entry of final judgment on these dismissed claims (Dkt. No. 46);

3 THEREFORE, IT IS ORDERED AND ADJUDGED THAT, pursuant to Fed. R. Civ. P.
4 54(b), FINAL JUDGMENT IS ENTERED on Claim Two of Plaintiffs MidWest Environmental
5 Defense Center and Sierra Club's Second Amended Complaint [Dk. No. 30] and Claim One of
6 Plaintiff WildEarth Guardians' Complaint [Dk. No. 1] in favor of Defendant Lisa Jackson and
7 against Plaintiffs.
8

9 **IT IS SO ORDERED.**

10
11 Date: July 12, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE